

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
JACKIE DEE MCINTOSH, JR.)	CASE NUMBER A18-62150-JWC
)	
DEBTOR)	

**MOTION TO DISMISS FOR FAILURE TO REMIT 2021 TAX RETURN AND
REQUEST FOR DISCLOSURE OF ANY INCOME CHANGES**

COMES NOW Nancy J. Whaley, Standing Chapter 13 Trustee, in the above styled case, and respectfully shows the Court the following:

1.

Debtor(s) filed a petition for relief under Chapter 13 of Title 11 on July 23, 2018. The Chapter 13 Plan was confirmed on December 18, 2018.

2.

The Trustee has requested a copy of the Debtor(s)' 2021 Federal Income Tax Return by filing Notice(s) with this Court in accordance with 11 U.S.C. § 521(f)(4)(B). The Debtor(s) is required to remit a copy of all filed Federal Income Tax Returns to the Trustee during the pendency of the case pursuant to the Chapter 13 Plan and/or the Order Confirming Plan. As of September 16, 2022 the Debtor(s) has failed to remit the 2021 Federal Income Tax Return to the Trustee.

Wherefore, the Trustee prays that the Debtor(s) remit the requested tax return and any applicable refund to the Trustee. If not provided, the Trustee requests this case be dismissed pursuant to 11 U.S.C. § 1307(c)(6). Additionally, if the Debtor(s)' tax return reflects increased income that has not been properly disclosed before the Court, the Trustee requests the Court dismiss the instant case for cause pursuant to 11 U.S.C. §§ 1307(c) and 105(a) and for any other relief this Court deems just and reasonable.

This the 19th day of September, 2022.

/s/ _____
Julie M. Anania
Attorney for the Chapter 13 Trustee
State Bar No. 477064

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CASE NO. 18-62150
	:	
JACKIE DEE MCINTOSH, JR.	:	CHAPTER 13
	:	
Debtor(s).	:	JUDGE JWC
_____	:	
	:	
NANCY WHALEY, TRUSTEE	:	
	:	
Movant(s),	:	
v.	:	CONTESTED MATTER
JACKIE DEE MCINTOSH, JR.	:	
	:	
Respondant(s),	:	
_____	:	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Nancy J. Whaley, Standing Chapter 13 Trustee, has filed a Motion to Dismiss for Failure to Remit 2021 Tax Return and request for Disclosure of Any Income Changes with the Court seeking an order of dismissal.

PLEASE TAKE FURTHER NOTICE that the Court will hold an initial telephonic hearing for announcements on the Motion to Dismiss for Failure to Remit 2021 Tax Return and request for Disclosure of Any Income Changes at the following number: toll-free number: **833-568-8864**; meeting id: **160 459 5648**; at 1:30 PM on October 26, 2022 in Courtroom 1203, United States Courthouse, 75 Ted Turner Drive, SW Atlanta, GA 30303.

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the “Hearing Information” tab on the judge’s webpage, which can be found under the “Dial-in and Virtual Bankruptcy Hearing Information” link at the top of the webpage for this Court, www.ganb.uscourts.gov for more information.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy, Suite 1340, 75 Ted Turner Drive, SW Atlanta, GA 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: September 19, 2022

Respectfully submitted,

/s/_____
Julie M. Anania
Attorney for the Chapter 13 Trustee
State Bar No. 477064
303 Peachtree Center Avenue, NE
Suite 120
Atlanta, GA 30303
678-992-1201
janania@njwtrustee.com

CERTIFICATE OF SERVICE

Case No. A18-62150-JWC

I certify that on this day I caused a copy of this Chapter 13 Trustee's Motion to Dismiss For Failure to Remit 2021 Tax Return to be served via United States First Class Mail with adequate postage prepaid on the following parties at the address shown for each:

JACKIE DEE MCINTOSH, JR.
1585 OAKPOINTE DRIVE SW
APT C
MARIETTA, GA 30008

I further certify that I have on this day electronically filed the foregoing Motion to Dismiss For Failure to Remit 2021 Tax Return using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Attorney for the Debtor(s):

SLIPAKOFF & SLOMKA, PC

This the 19th day of September, 2022.

/s/_____
Julie M. Anania
Attorney for the Chapter 13 Trustee
State Bar No. 477064
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Suite 120
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